

ACT, Inc. v. Worldwide Interactive Network, Inc.
U.S. District Court for the Eastern District of Tennessee
Case No. 3:18-cv-00186-TRM-HBG

EXHIBIT B

**PLAINTIFF AND COUNTER-DEFENDANT ACT, INC.'S
OPPOSITION TO MOTION TO DE-DESIGNATE**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

VIDEOTAPED DEPOSITION OF TERESA CHASTEEN
MAY 31, 2019

ACT, INC.,)
Plaintiff and)
Counter-Defendant,) CASE NO.
vs.) 3:18-cv-00186-TRM-HBG
WORLDWIDE INTERACTIVE)
NETWORK, INC.,)
Defendant and)
Counter-Claimant.)

APPEARANCES:

FOR THE PLAINTIFF and COUNTER-DEFENDANT:
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ALSO PRESENT:

ANGIE POPLIN, Videographer

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S T I P U L A T I O N

The videotaped deposition of TERESA CHASTEEN, called as a witness at the instance of the Plaintiff, taken pursuant to all rules applicable to the Tennessee Rules of Civil Procedure by notice on the 31st day of May 2019, at 9 a.m., at the offices of SCOTT & CAIN, 606 W. Main Street, Suite 222, Knoxville, Tennessee 37902 before Catherine Golembeski, Licensed Court Reporter, Registered Professional Reporter and NJCCR, pursuant to stipulation of counsel.

It being agreed that Catherine Golembeski, Licensed Court Reporter, RPR, NJCCR, may report the deposition in machine shorthand, afterwards reducing the same to typewriting.

All objections except as to the form of the questions are reserved to on or before the hearing.

It being further agreed that all formalities as to notice, caption, certificate, transmission, et cetera, excluding the reading of the completed deposition by the witness and the signature of the witness, are expressly waived.

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1 THE VIDEOGRAPHER: We are now on the
2 record. The time is 8:57. Today is Friday, May
3 the 31st, 2019. This is the video recorded
4 deposition of Teresa Chasteen in the matter of ACT,
5 Incorporated versus Worldwide Interactive Network,
6 Incorporated. Filed in the United States District
7 Court, for the Eastern District of Tennessee, Case
8 Number 3:18-cv-00186-TRM-HBG.

9 This deposition is being held at the
10 Law Offices of Scott and Cain, located at 606 West
11 Main Street, Suite 222, Knoxville, Tennessee. My
12 name is Angie Poplin for the firm of Alpha
13 Reporting Corporation, I am the videographer. Our
14 court reporter is Cathy Golembeski also with Alpha
15 Reporting corporation.

16 Will counsel please state their names
17 for the record.

18 MS. CHAPMAN: Laura Chapman, for the
19 Plaintiff, ACT.

20 MR. CARPENTER: Kyle Carpenter for the
21 Defendant, WIN.

22 MR. HORTON: Jacob Horton, for the
23 Defendant.

24 THE VIDEOGRAPHER: The court reporter
25 will now swear in the witness.

1 TERESA CHASTEEN,
2 having first been duly sworn, was examined and
3 deposed as follows:

4 EXAMINATION BY MS. CHAPMAN:

5 Q. Good morning.

6 A. Good morning.

7 Q. Would you please state and spell your
8 name, for the record?

9 A. Teresa Chasteen, T-e-r-e-s-a,
10 C-h-a-s-t-e-e-n.

11 Q. Have you ever been known by any other
12 names?

13 A. Yes, my maiden name is Teresa Caldwell.

14 Q. How do you spell that?

15 A. C-a-l-d-w-e-l-l.

16 Q. Have you ever had your deposition taken
17 before?

18 A. Yes.

19 Q. How many times?

20 A. Once.

21 Q. When was that?

22 A. That was mid 1980s.

23 Q. Were you a party to a lawsuit when your
24 deposition was taken?

25 A. Yes.

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1 for the time you were there?

2 A. Yes.

3 Q. Do you believe that his testimony, the
4 part that you heard, was incorrect in any way?

5 MR. CARPENTER: Object to the form.

6 A. Not that I know of.

7 Q. Okay. Let's talk about your
8 educational history. Did you graduate from high
9 school?

10 A. Yes.

11 Q. And where did you go to high school?

12 A. Roane County High School, R-o-a-n-e.

13 Q. And where is that?

14 A. It is in Kingston, Tennessee.

15 Q. And that's nearby here?

16 A. Yes.

17 Q. After high school, did you get further
18 education?

19 A. Yes.

20 Q. And what did you -- with regard to your
21 educational history, what happened after high
22 school?

23 A. Well, some of it happened during high
24 school. They let me go to college a bit early.
25 And I finished a bachelor's at the University of

1 Tennessee in 1982.

2 Q. Did you have a major?

3 A. Yes, curriculum and instruction.

4 Q. Curriculum and instruction?

5 A. Yes.

6 Q. Was there a Department of Education at
7 the University of Tennessee?

8 A. Yes, it was education.

9 Q. Okay. So many of my questions are very
10 obvious, you know what I'm about to say. But the
11 court reporter has to take down the question. And
12 I do want to speak slowly enough that the questions
13 get transcribed. It's a very artificial
14 conversation that we're having, because of the
15 court reporter, and because of the nature of the
16 proceedings. So it's probably going to take you
17 just a little bit to kind of settle into the rhythm
18 of waiting for me to finish the question. If you
19 don't do it, I'm sure Mr. Carpenter will intervene
20 and take over.

21 MR. CARPENTER: I will.

22 MS. CHAPMAN: And he'll tell you, so.

23 Q. Okay. You said it was curriculum and?

24 A. Instruction.

25 Q. Instruction. And that was granted by

1 the Department of Education at the University of
2 Tennessee?

3 A. Correct.

4 Q. Generally speaking, what does a major
5 in curriculum and instruction consist of?

6 A. It consists of classes on PEDECO G and
7 all kinds of things that are education related.

8 Q. After you received that degree, what
9 happens next with respect to your educational
10 history?

11 A. I got a Masters Degree from the
12 University of Tennessee.

13 Q. Did you, with regard to your
14 bachelor's, did you have any specific distinctions,
15 or honors, or anything of that nature?

16 A. Yes, but I'm not sure.

17 Q. What was your Masters Degree in?

18 A. Education as well.

19 Q. Was there any specific aspect of
20 education that you focused on with regard to your
21 masters?

22 A. Well, I focused on -- can I back up a
23 minute?

24 Q. Of course.

25 A. So I did part of my masters while I was

1 still doing my undergrad work. They let me take 12
2 hours before I got my undergraduate degree. And so
3 I had started working on an endorsement for public
4 health education.

5 Q. Okay. With regard to your masters, was
6 there a particular aspect of education that you
7 focused on?

8 A. I focused, at the time I was teaching
9 elementary school, and so I focused on elementary
10 endorsement.

11 Q. What's does an endorsement mean?

12 A. It means that you can teach in the
13 area.

14 Q. It's like a certification?

15 A. Yes.

16 Q. Okay. So did you get your masters
17 degree by studying in the evenings, since you were
18 teaching or how did that work?

19 A. I got my masters, I'm thinking about
20 the timing. Some of it, I think I was going to
21 college full-time during that transition from
22 bachelors to Masters.

23 Q. Okay. Did you write a thesis for your
24 Master's Degree?

25 A. No.

1 Q. Did you take any particular classes in
2 assessment development either during your
3 undergraduate or your -- in the course of your
4 Masters studies?

5 A. Yes.

6 Q. And how many classes did you take in
7 assessment development?

8 A. They called it measurement and
9 evaluation, but I'm not sure how many.

10 Q. Okay. And was that undergraduate,
11 Masters or both?

12 A. Both.

13 Q. Did you have any kind of concentration
14 in measurement and evaluation, either at the
15 undergraduate level or the Masters level?

16 A. Not at the Masters level.

17 Q. At the undergraduate level?

18 A. No.

19 Q. Okay. After your Masters degree, did
20 you continue to pursue your education?

21 A. Yes.

22 Q. What happens next with regard to your
23 educational history?

24 A. I completed the course work for an EDD
25 at the University of Tennessee all but

1 dissertation.

2 Q. And for someone who doesn't know EDD,
3 what does that mean?

4 A. Doctor of Education.

5 Q. How long did that take?

6 A. Two years.

7 Q. Did you do that full-time?

8 A. Yes, because I had a fellowship to do
9 that.

10 Q. When did the Masters -- when did you
11 obtain the Masters Degree?

12 A. 1982 as well.

13 Q. When did you start working toward your
14 PhD?

15 A. 1983.

16 Q. Was that also, the PhD work that you
17 did, was that also at the University of Tennessee?

18 A. The EDD work was, yes.

19 Q. I'm sorry, I was mixing EDD and PhD.
20 Thank you for the correction. So did you not write
21 a dissertation with regard to the EDD, correct?

22 A. Correct.

23 Q. Was the EDD awarded to you?

24 A. No.

25 Q. And that's because you didn't do the

1 dissertation, correct?

2 A. Correct.

3 Q. So you had completed all the course
4 work for the EDD degree, but you didn't do the
5 dissertation and that's why you say all but
6 dissertation, correct?

7 A. Correct.

8 Q. Okay. Is there a reason you didn't do
9 the dissertation?

10 A. Not really. I kind of took a different
11 path. Sorry.

12 Q. That's okay. Did you complete the
13 course work? When did you complete the course work
14 with regard to the EDD?

15 A. I think 1985.

16 Q. What different direction did you take
17 at that point?

18 A. I went to Faith Theological Seminary.

19 Q. Where is that?

20 A. We went -- I say "we", my husband and I
21 went to the Milton, Florida location.

22 Q. And how long -- what were you studying
23 at the Faith Theological Seminary?

24 A. I was studying psychology and
25 counseling.

1 Q. And were you working toward a degree?

2 A. Yes, a PhD.

3 Q. And did you complete the PhD?

4 A. I did.

5 Q. And that was awarded by Faith
6 Theological Seminary in Milton, Florida?

7 A. Correct.

8 Q. And they're still in existence?

9 A. I think so.

10 Q. When did you get your PhD?

11 A. 1987, I believe.

12 Q. Did you -- is your PhD in psychology
13 and counseling?

14 A. Yes.

15 Q. When you were studying for your
16 Masters, did you take any classes in psychometrics?

17 A. For my EDD course work, yes.

18 Q. How many psychometric classes did you
19 take?

20 A. I don't know exactly, several.

21 Q. With regard to the PhD that you pursued
22 at the Faith Theological Seminary in psychology and
23 counseling, generally, what did you study?

24 A. Counseling, all kinds of things about
25 human behavior. It was more focused too on

1 Christian approaches to counseling.

2 Q. After you obtained your PhD in
3 psychology and counseling, did you obtain any kind
4 of license to be a counselor?

5 A. No, I was still teaching.

6 Q. Okay. So you've never been licensed to
7 be a counselor?

8 A. No.

9 Q. Okay. And you have never worked as a
10 counselor, correct?

11 A. Correct.

12 Q. Okay. After you -- you said -- sounds
13 like you were working and going to school at the
14 same time?

15 A. Correct.

16 Q. I'll just finish off on the education
17 part first.

18 After you got the PhD, I'm sorry, did
19 you write a dissertation for your PhD?

20 A. I did.

21 Q. And what was your dissertation on?

22 A. It was historical research on all of
23 the educational counseling as well as Christian
24 counseling.

25 Q. Can you expand a little bit more?

1 A. Sure. It went all the way back to all
2 the theories of counseling that there are, many
3 that you've heard many times, Freud and Gestalt,
4 things like that. And then how that progressed
5 into theories around Christian counseling.

6 Q. Okay. Did you defend your
7 dissertation?

8 A. Yes.

9 Q. To whom did you defend your
10 dissertation?

11 A. I defended it to a committee. Right
12 now I can't think of their names.

13 Q. Okay. After you received the PhD from
14 Faith Theological Seminary, did you undertake any
15 other education?

16 A. I have done some work at the Harvard
17 Kennedy School of Public Policy around Career
18 Readiness by invitation.

19 Q. When did you do that?

20 A. In 20 -- let me think. I believe it
21 was in 2007.

22 Q. Who invited you to do that?

23 A. Dr. Bill Simons.

24 Q. And who is he?

25 A. He was a professor there that was

1 leading initiatives around Career Readiness.

2 Q. And how many courses did you take at
3 Harvard Kennedy School of Public Policy on Career
4 Readiness?

5 A. It was a week-long event.

6 Q. Is it fair to call it a week-long
7 seminar?

8 A. Well, I thought it was a little more
9 than that, but.

10 Q. Okay.

11 A. It was certainly continuing education.

12 Q. Did you obtain any kind of
13 certification after that experience?

14 A. I don't think so.

15 Q. Okay. Generally speaking, what did you
16 get out of that experience?

17 A. Well, we came up with all kinds of
18 ideas to make career readiness part of public
19 policy all across the education network in the
20 U.S., strategies that we could do that.

21 Q. Have there been any other efforts on
22 your part with regard to education that we haven't
23 already talked about today?

24 A. With formal degrees?

25 Q. Formal degrees or any formal continuing

1 education. Well, let's break it down. I think
2 that's fair. How about with regard to formal
3 degrees?

4 A. No more formal degrees.

5 Q. How about with regard to taking courses
6 that didn't lead to another formal degree?

7 A. Yes.

8 Q. Okay. What other courses have you
9 taken?

10 A. Too many.

11 Q. Okay.

12 A. I took 18 hours of graduate English.
13 That's all I can think of.

14 Q. In terms of continuing education, other
15 than the Harvard Kennedy School for Public
16 Policies, have you engaged in any other continuing
17 education?

18 A. I did an eight-week program at the FBI
19 Academy.

20 Q. When was that?

21 A. That was in 2014 or '15.

22 Q. And why did you do that?

23 A. I was invited.

24 Q. And what was the focus of that program?

25 A. It was to -- the focus?

1 I declare under penalty of perjury
2 under the laws that the foregoing is
3 true and correct.

4
5 Executed on July 10, 2019,
6 at _____.

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WITNESS SIGNATURE

INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please Follow the directions below. If additional pages are necessary, please furnish Them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, Insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, Above the designated "Signature" line and return the transcript to your attorney.

ERRATA SHEET

Page	Line	Change:	Reason:
<u>14</u>	<u>6</u>	<u>Pedagogy</u>	<u>misspelled</u>
<u>19</u>	<u>11</u>	<u>1992</u>	<u>1987 was incorrect year</u>
<u>21</u>	<u>23</u>	<u>Symonds</u>	<u>misspelled</u>
<u>25</u>	<u>11</u>	<u>1992</u>	<u>1987 was incorrect year</u>
<u>23</u>	<u>4</u>	<u>Saterfiel</u>	<u>Saterfiel misspelled</u>
<u>33</u>	<u>6</u>	<u>S-a-t-e-r-f-i-e-l</u>	<u>misspelled</u>
<u>33</u>	<u>12</u>	<u>Sweaney</u>	<u>misspelled</u>
<u>33</u>	<u>13</u>	<u>Sweaney</u>	<u>misspelled</u>
<u>34</u>	<u>8</u>	<u>Sweaney</u>	<u>misspelled</u>
<u>34</u>	<u>25</u>	<u>Saterfiel and Sweaney</u>	<u>misspelled</u>
<u>23</u>	<u>12</u>	<u>See Attached</u>	

<u>42</u>	<u>20</u>	Reason: misspelled
		Change: SBA
<u>52</u>	<u>2</u>	Reason: misspelled
		Change: Sweaney
<u>84</u>	<u>16</u>	Reason: misspelled
		Change: Kwong
<u>84</u>	<u>16</u>	Reason: misspelled
		Change: Karl
<u>84</u>	<u>18</u>	Reason: misspelled
		Change: Guider
<u>84</u>	<u>18</u>	Reason: misspelled
		Change: Miranda Beer
<u>92</u>	<u>4</u>	Reason: misspelled
		Change: Sweaney
<u>133</u>	<u>24</u>	Reason: misspelled
		Change: Sweaney
<u>209</u>	<u>12 & 13</u>	Reason: misspelled
12		Change: Kilijaneek
		Reason: misspelled
<u>213</u>	<u>9, 10, 11, 12, 18, 21</u>	" " "

Subject to the above changes, I certify that the transcript is true and correct.

No changes have been made. I certify that the transcript is true and correct.

Deresa Chatter
(signature)

11-11-19
(date)

213 24

Sweaney
misspelled

214 2

Sweaney
misspelled

221 2

Kilijaneek & Sweaney
misspelled

I also have in excess of 18 graduate hours in each of several other collateral areas including Curriculum and Instruction and Psychological Measurement and Evaluation.

C E R T I F I C A T E

STATE OF TENNESSEE

COUNTY OF KNOX

I, Catherine Golembeski, Licensed Court Reporter and a Registered Professional Reporter, do hereby certify that I reported in machine shorthand the deposition of TERESA CHASTEEN, called as a witness at the instance of the Plaintiffs, that the said witness was duly sworn by me; that the reading and subscribing of the deposition by the witness was not waived; that the foregoing pages were transcribed under my personal supervision and constitute a true and accurate record of the deposition of said witness.

I further certify that I am not an attorney or counsel of any of the parties, nor an employee or relative of any attorney or counsel connected with the action, nor financially interested in the action.

Dated: June 12, 2019

<%8338,Signature%>

Catherine Golembeski, LCR# 778

Registered Professional Reporter

Expiration Date:

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